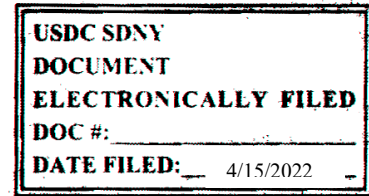


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X



SAMUEL TALLER,

Plaintiff,

22-CV-01915 (PAE)(SN)

-against-

ORDER

METLIFE GROUP INC.,

Defendant.

-----X

SARAH NETBURN, United States Magistrate Judge:

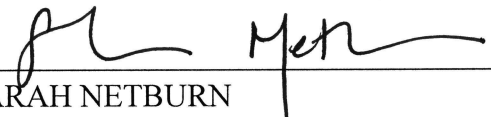
This case was removed from small claims court to this District based on federal question jurisdiction. Defendant contends that Plaintiff's case seeks to enforce rights to benefits under plans established pursuant to the Employee Retirement Income Security Act ("ERISA") and therefore federal law preempts any state law claims. Rather than answer the small claims complaint, Defendant moved for a More Definite Statement, pursuant to Federal Rule of Civil Procedure 12(e). Plaintiff, for his part, challenges the Court's jurisdiction, arguing that this case is not brought under ERISA. Separately, Plaintiff has moved to add a defendant and has filed a "more definite statement."

To permit the Plaintiff an opportunity to add a defendant and state his claims in a form that complies with Rules 8 and 10, by April 29, 2022, Plaintiff is ORDERED to file an Amended Complaint adding the additional Defendant (or substituting the proper Defendant) and incorporating his response to Defendant's Motion for a More Definite Statement. Plaintiff is encouraged to meet with the volunteer lawyers at the free NYLAG Legal Clinic by contacting them at (212) 805-0175 during normal business hours, 8:30 a.m. – 5:00 p.m., Monday – Friday.

These lawyers can assist the Plaintiff in filing an amended complaint and provide advice regarding the Court's jurisdiction. The filing of the amended complaint will not waive Plaintiff's opposition to removal, and the Plaintiff may renew his motion to remand by May 6, 2022.

The Clerk of Court is respectfully directed to close the gavels at ECF Nos. 6, 15, and 20.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
April 15, 2022